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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/006,315

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Neerav N. Dalal

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Docket Clerk  
P.O. Drawer 800889  
Dallas, TX 75380

EXAMINER

AFSHAR, KAMRAN

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/006,315

Applicant(s)

DALAL ET AL.

Examiner

Kamran Afshar, 703-305-7373

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-6, 8-13, 15-19 is/are rejected.
- 7) ☒ Claim(s) 7, 14 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-6, 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Cho (U.S. Patent 6,636,496 B1).

With respect to claims 1-6, 8-13, 15-19, Cho discloses wireless communication network and / or for use in a base station, an apparatus for sending and receiving an acknowledgment message (See e.g. method and device, Title, Abstract), comprising: channel controller capable of assigning a common control channel a mobile station wherein channel controller is capable of dedicating common control channel to mobile station for a predetermined period of time (See e.g. Co. 3, Lines 32-44); and transceiver inherently coupled channel controller capable of transmitting and receiving acknowledgment message on common control channel (See e.g. Co. 7, Lines 1-11).

Regarding claims 2, 9, Cho discloses base station is capable of broadcasting a paging message to mobile station (See e.g. Co. 8, Line 66 – Co. 9, Line 4, Co. 12, Lines 24-41).

Regarding claims 3, 10, 26, Cho discloses paging message comprises identification of common control channel (See e.g. PID, Co. 7, Line 64 – Co. 9, Line 4, Co. 12, Lines 24-41).

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Regarding claims 4, 11, 17, Cho discloses base station inherently comprises a timer (See e.g. 217, 219, 229 7 231 of Fig. 9) associated with channel controller for regulating the time (See e.g. Co. 7, Lines 1-11, Co. 8, Lines 11-24) that common control channel is available for mobile station (See e.g. Co. 8, Lines 25-43, Co. 14, Lines 1-20).

Regarding claims 5, 12, 18, Cho discloses base station is capable of assigning common control channel to mobile station for receiving at least one message from the mobile station (See e.g. Co. 8, Lines 19-30).

Regarding claims 6, 13, 19, Cho discloses paging message provides limits for time period for receiving acknowledgment message from said mobile station (See e.g. Co. 8, Line 65 – Co. 9, Line 4).

### ***Allowable Subject Matter***

3. Claims 7, 14, 20, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to claims 7, 14, 20, the prior art of record fails to disclose or render obvious that the paging message comprises a forward channel message including forward channel message as a reliable ACK message specifying a dedicated common control channel address and identity.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Dalal (U.S. Patent 6,633,554 B1), Discloses System And Method For Soft Handoff Setup During System Access Idle Handoff In A wireless Network.

b) Rinchiuso (U.S. Patent 6,104,709), Discloses Channel Assignment Within A Broad-Band Communication System.


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c) Hamalainen (U.S. Patent 6,167,248), Discloses Data Transmission In A Radio Telephone Network.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (703) 305-7373. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached @ (703) 308-4825. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

  
**Kamran Afshar**

  
**DAVID HUDSPETH**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**